

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 21, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-24482 - APPLICANT: CRAIG MCCALL - OWNERS: WILLIAM A. WALDMAN, ET AL

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (3-2/sd, se vote) recommends APPROVAL, subject to:

Planning and Development

1. The right to operate a pawnshop at 119 Fourth Street location shall be expunged upon the Certificate of Completion being issued to operate SUP-24482 at 212 South Las Vegas Boulevard.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Pawn Shop use.
3. All proposed signage shall conform to the Sign Standards as listed under LVMC Title 19.06.130 requiring at least 75% of the total signage surface area consist of illuminated signage in the form of neon signs, animated signs, or a combination thereof.
4. Conformance to the conditions for Rezoning (Z-100-64), if approved.
5. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit for a proposed Pawn Shop use at 212 South Las Vegas Boulevard. The applicant has requested a Waiver to the Minimum Requirements listed in Title 19.04.010 to allow a 544-foot separation where a 1,000-foot minimum separation is required from another Financial Institution, Specified use located at 232 South 4th Street.

As the use is not compatible with the Live/Work Overlay District and with the surrounding area, and requires a Waiver from the Minimum Requirements listed in Title 19.04.010, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) of multiple parcels in the area generally bounded by Main Street, Bonanza Road, Las Vegas Boulevard and Charleston Boulevard from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial).
10/25/07	The Planning Commission voted 3-2/sd, se to recommend APPROVAL (PC Agenda Item #50/mh).
<i>Related Building Permits/Business Licenses</i>	
There are no Building Permits or Business Licenses recorded against this property.	
<i>Pre-Application Meeting</i>	
8/28/07	A Pre-Application meeting was held with staff to discuss the operation of a proposed Pawn Shop in a vacant storefront located on Las Vegas Boulevard, within the Central Casino Core District of the Las Vegas Downtown Centennial Plan.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
9/21/07	<p>The following observations were made by Planning and Development Staff during a routine field check:</p> <ul style="list-style-type: none">• Existing storefront currently vacant.• Three addresses are assigned to this building: 208, 210, and 212 South Las Vegas Boulevard with 212 S. Las Vegas Blvd. consisting of both floors of the southern half of the building.• Small parking lot provided at rear of building and adjacent to alleyway.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.28 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Service Commercial	C (Commercial) – Downtown Land Use Plan Area	C-2 (General Commercial)
North	Service Commercial	C (Commercial) – Downtown Land Use Plan Area	C-2 (General Commercial)
South	Service Commercial	C (Commercial) – Downtown Land Use Plan Area	C-2 (General Commercial)
East	Service Commercial	C (Commercial) – Downtown Land Use Plan Area	C-2 (General Commercial)
West	Service Commercial	C (Commercial) – Downtown Land Use Plan Area	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		N
Redevelopment Plan Area	X		N
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District – Central Casino Core	X		N
Live/Work Overlay District	X		N
Las Vegas Boulevard Scenic Byway Overlay District	X		N
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Pawn Shop (1 st Floor)	5,250 SF	1:250 SF	21 spaces				
Office, OTL (2 nd Floor)	5,250 SF	1:300 SF	18 spaces				
SubTotal			39 spaces	2	19	1	N
TOTAL (including handicap)			39		20		N

Wall Signs: [type in sign reference]		
Standards	Allowed	Provided
Maximum Area	20% of the leased/occupied area only	The proposed sign location is not over the leased/occupied area and is not in compliance with Title 19.14.060.
Maximum Projection	4 Feet without encroaching public Right-of-way	Not Shown
Illumination	75% neon/animated	Not shown

Waivers		
Request	Requirement	Staff Recommendation
544-foot separation from an established Financial Institution, Specified.	1000 feet separation distance.	Denial

ANALYSIS

- Land Use and Zoning**

The subject site maintains the Downtown Land Use Plan Area's Master Plan Land Use Designation of C (Commercial). The proposed Pawn Shop Use is permitted within the C-2 (General Commercial) zoning district upon approval of a Special Use Permit. As the applicant has requested a Waiver to the Minimum Requirement from the 1000-foot separation distance requirement as listed in Tile 19.04.010 for this particular use, staff recommends denial.

- **Downtown Centennial Plan Area**

The subject site falls within the general Downtown Centennial Plan boundaries, and is specifically located in the Central Casino Core District. This district is intended to retain and enhance the historic and classic Las Vegas casinos while diversifying the commercial offerings and protecting the existing public facilities. As the proposed Pawn Shop use has been determined to contribute to the saturation of a restricted use, this proposal does not reinforce the viability of the downtown area. Therefore, staff recommends denial.

- **Redevelopment Plan Area**

The parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. Per Section IV.F.8 of the Redevelopment Plan, this proposal has been determined to not be in conformance with the General Plan and thus an incompatible use. As such, this Pawn Shop use proposal is not permitted within the Redevelopment Area.

- **Downtown Overlay District**

The proposed Pawn Shop use is located within the Downtown Overlay District and is subject to requirements as set forth by Title 19.06.060. As such, the permissible uses for the Las Vegas Downtown Centennial Plan are prescribed in Title 19.04.010, which only allow a Pawn Shop Use with an approved Special Use Permit for C-2 (General Commercial) zoned areas. As the applicant must request a Waiver to the Minimum Requirements for the Special Use Permit that contributes to the saturation of a restricted use, staff recommends denial.

- **Live/Work Overlay District**

The subject property is located within the Live/Work Overlay, which is intended to allow owners and operators of businesses to occupy joint living and work quarters in commercial and industrial areas where other types of residential uses are inappropriate. As the applicant has neither proposed any alterations to the building to accommodate residential habitation nor alluded residing on site, this request must comply with the "Nonresidential Use Criteria" as listed in Title 19.06.130. (B) Although the applicant does intend to utilize the residential component of the Live/Work Overlay District, this requested use is in conflict with the intent of this District. Per Title 19.06.130(B) 5, a Pawn Shop use conflicts with the requirement that "Clientele generally will arrive by appointment, with walk-in trade anticipated to be minimal." Because the Pawn Shop use exceeds the intent of the Live/Work Overlay District, recommends denial.

- **Las Vegas Boulevard Scenic Byway Overlay District**

The subject property is located within the Scenic Byway Overlay, which is intended to preserve the character of Las Vegas Boulevard as a nighttime urban scenic byway. The intent of this Overlay District is to provide signage standards that will maintain and enhance the scenic qualities of this historic highway in accordance with the “Scenic Byway” designation. Per Title 19.06.140(C) 2, at least 75% of the total sign surface areas for all signage of the proposed development (excluding awning signs) must consist of illuminated signage in the form of neon signs, animated signs, or a combination thereof. All new off-premise signage is prohibited.

The provided sign elevations depict typical illuminated channel letters that do not specify neon. If approved, staff has conditioned this request that the proposal conform to the signage requirements for the Las Vegas Boulevard Scenic Byway Overlay District as listed in Title 19.06.140.C.

- **Floor Plan**

The provided floor plan depicts a two-floor development with 5,250 square feet of floor area for each level. For the first floor, the retail portion of the proposed Pawn Shop use operates within an undefined portion of the 5,250 square foot first floor with the remaining space dedicated to storage. The proposed arrangement shows what appears to be the main entrance located at the center of the lease area entering into the storage area. The first-floor also shows four restrooms, in sets of pairs, separated by internal partition walls.

The 5,250 square foot second story, accessed from an elevator or adjacent stairwell, will be used as office space. There are 12 non-descript areas arranged off a central corridor that runs north/south shown on the second floor with two restrooms located at the south end of the building.

- **Waiver to Minimum Requirements**

Per Table Two of Title 19.04.010, a “Pawn Shop” is defined as a facility (other than a bank, savings and loan or mortgage banking company) used for the business of lending money on the security of pledged goods or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. The following Minimum Requirements, listed below, are necessary in order to prevent the over saturation of a restricted use.

Minimum Special Use Permit Requirements:

- *1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.
- *2. No outdoor display, sales or storage of any merchandise shall be permitted.
- *3. No pawn shop shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.
- 4. No pawn shop use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no pawn shop use may be located closer than 1000 feet from any other Pawn Shop use or Specified Financial Institution use. For purposes of this Requirement 4, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term property line refers to property lines of fee interest parcels and not leasehold parcels.

The applicant has requested a Waiver from the Minimum Requirements for the proposed Pawn Shop use to allow a 544-foot separation distance where 1000-foot separation is required from an established Financial Institution, Specified located at the northwest corner of 4th Street and Bridger Avenue. In addition to this Financial Institution, Specified use, there are two additional Financial Institution, Specified uses located further than the minimum 544-foot separation provided, but are still within the minimum 1000-foot separation distance required. Specifically, there is an Auto Title Loan company located approximately 800 feet to the northwest at 119 North 4th Street and a Check Cashing Service located approximately 560 feet to the northeast at 515 Fremont. There are two other Check Cashing Services within the 1000-foot separation distance, but they do not qualify as a Financial Institution, Specified as they are supplemental to an established retail business.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use cannot be conducted in a harmonious manner and is not compatible with the surrounding area as the applicant is seeking a Waiver that will contribute to the saturation of Pawn Shop and Financial Institution, Specified uses in an area with multiple Special Purpose and Overlay District requirements.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The applicant has requested a Waiver to allow the proposed Pawn Shop use to be 544 feet away from an established Financial Institution, Specified use located at the northwest corner of 4th Street and Bridger Avenue. Although the subject site is not subject to the automatic application of the parking requirements for a Pawn Shop use as required by Title 19.04.010, the subject site only provides 20 spaces where a total of 39 spaces are required. This does not take into consideration the future parking requirements for 208 or 210 South Las Vegas Boulevard will have if or when they are leased out. Because of the Waiver request, staff finds the intensity of use and site location to contribute to the saturation of a restricted use. Therefore staff recommends denial.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

Site access is adequately served primarily from Las Vegas Boulevard, defined as a Primary Arterial, with secondary access provided from a rear alleyway located at the western border of the property.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

The proposed Pawn Shop use located at 212 South Las Vegas Boulevard is not consistent with the overall objectives of the General Plan or the Minimum Requirements for a Special Use Permit. The proposal also conflicts with the intent of the nonresidential uses for the Live/Work Overlay District and the signage standards of the Las Vegas Boulevard Scenic Highway Overlay District. Therefore, staff recommends denial.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed Pawn Shop use does not meet the Minimum Separation Requirement from and established Financial Institution, Specified use as listed in “Table 2 – Land Use” in *Title 19.04.010*. In addition to the requested Waiver for the Financial Institution, Specified use located 544 feet away, there is an additional Auto Title Pawn use and a Financial Institution, Specified (Check Cashing) use both located within the required 1000-foot separation distance. The proposed use also does not meet the intent of the Non-residential Use Criteria for the Live/Work Overlay District. Due to this condition of non-compliance, staff recommends denial.

PLANNING COMMISSION ACTION

The Planning Commission added condition #1.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 107 by City Clerk

APPROVALS 2

PROTESTS 2